

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
 )  
v. ) Case No. 1:19-cr-62-HSM-SKL-3  
 )  
VIVIAN GUTIERREZ )

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw her not guilty plea to Count One and Count Two of the two-count Superseding Indictment; (2) accept Defendant's plea of guilty to Count One and Count Two of the Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Count One and Count Two of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 80]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 80] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw her not guilty plea to Count One and Count Two of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Count One and Count Two of the Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One and Count Two of the Superseding Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 13, 2020 at 2:00 p.m. [EASTERN]** before a District Judge.

**SO ORDERED.**

**ENTER:**

/s/ *Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE